

EIGHTY SIXTH DAY

House Chamber, Olympia, Tuesday, April 5, 2011

April 4, 2011

The House was called to order at 1:30 p.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Justice Ladenburg and Brittany Mullis. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Richard Douglas, River Ridge Covenant Church, Olympia Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 4, 2011

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL 1048
SUBSTITUTE HOUSE BILL 1105
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1206
HOUSE BILL 1215
HOUSE BILL 1263
HOUSE BILL 1303
HOUSE BILL 1391
HOUSE BILL 1709
SECOND SUBSTITUTE HOUSE BILL 1803
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1808
HOUSE BILL 1937

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 4, 2011

MR. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL 5058
SUBSTITUTE SENATE BILL 5071
SUBSTITUTE SENATE BILL 5115
SENATE BILL 5116
SENATE BILL 5149
SENATE BILL 5170
SENATE BILL 5213
SENATE BILL 5224
ENGROSSED SENATE BILL 5242
SENATE BILL 5295
ENGROSSED SUBSTITUTE SENATE BILL 5307
SENATE BILL 5375
SENATE BILL 5388
SENATE BILL 5492
SUBSTITUTE SENATE BILL 5495
SENATE BILL 5501
SUBSTITUTE SENATE BILL 5538
SUBSTITUTE SENATE BILL 5574
ENGROSSED SUBSTITUTE SENATE BILL 5594

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MR. SPEAKER:

The President has signed:

HOUSE BILL 1016
ENGROSSED HOUSE BILL 1028
ENGROSSED SUBSTITUTE HOUSE BILL 1055
HOUSE BILL 1069
HOUSE BILL 1129
HOUSE BILL 1150
SUBSTITUTE HOUSE BILL 1247
SUBSTITUTE HOUSE BILL 1294
HOUSE BILL 1298
HOUSE BILL 1345
HOUSE BILL 1347
ENGROSSED HOUSE BILL 1357
HOUSE BILL 1412
HOUSE BILL 1424
HOUSE BILL 1488
SUBSTITUTE HOUSE BILL 1571
ENGROSSED SUBSTITUTE HOUSE BILL 1572
HOUSE BILL 1618
HOUSE BILL 1649
HOUSE BILL 1694

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 2049 by Representatives Zeiger, Seaquist, Haler, Carlyle, Fagan and Angel

AN ACT Relating to a higher education performance advisory council; amending RCW 28B.76.200; adding a new section to chapter 28B.76 RCW; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2050 by Representatives Hudgins, Hunt, Ormsby, Fitzgibbon, Upthegrove, Cody, Dunshee, Liias, Billig, Reykdal, Sells, Dickerson, Hasegawa, Appleton, McCoy and Ryu

AN ACT Relating to establishing an annual water rights protection fee; amending RCW 90.14.240; adding new sections to chapter 90.03 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

HB 2051 by Representatives Zeiger, Eddy, Fitzgibbon, Rivers, Haler, Kelley and Buys

AN ACT Relating to encouraging state agency use of recovery audits for government overpayments; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

April 4, 2011

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1495 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Article or product" means any tangible article or product, but excludes: (a) Any services sold, offered for sale, or made available in this state, including free services and online services; (b) any product subject to regulation by the United States food and drug administration and that is primarily used for medical or medicinal purposes; (c) food and beverages; and (d) restaurant services.

(2) "Copyrightable end product" means a work within the subject matter of copyright as specified in section 102 of Title 17, United States Code, and which for the purposes of this chapter includes mask works protection as specified in section 902 of Title 17, United States Code.

(3) "Essential component" means a component of an article or product provided or to be provided to a third party pursuant to a contract, including a purchase order, without which the article or product will not perform as intended and for which there is no substitute component available that offers a comparable range and quality of functionalities and is available in comparable quantities and at a comparable price.

(4) "Manufacture" means to directly manufacture, produce, or assemble an article or product subject to section 2 of this act, in whole or substantial part, but does not include contracting with or otherwise engaging another person, or that person engaging another person, to develop, manufacture, produce, or assemble an article or product subject to section 2 of this act.

(5) "Material competitive injury" means at least a three percent retail price difference between the article or product made in violation of section 2 of this act designed to harm competition and a directly competing article or product that was manufactured without the use of stolen or misappropriated information technology, with such a price difference occurring over a four-month period of time.

(6) "Retail price" means the retail price of stolen or misappropriated information technology charged at the time of, and in the jurisdiction where, the alleged theft or misappropriation occurred, multiplied by the number of stolen or misappropriated items used in the business operations of the person alleged to have violated section 2 of this act.

(7)(a) "Stolen or misappropriated information technology" means hardware or software that the person referred to in section 2 of this act acquired, appropriated, or used without the authorization of the owner of the information technology or the owner's authorized licensee in violation of applicable law, but does not include situations in which the hardware or software alleged to have been stolen or misappropriated was not available for retail purchase on a stand-alone basis at or before the time it was acquired, appropriated, or used by such a person.

(b) Information technology is considered to be used in a person's business operations if the person uses the technology in the manufacture, distribution, marketing, or sales of the articles or products subject to section 2 of this act.

NEW SECTION. Sec. 2. Any person who manufactures an article or product while using stolen or misappropriated information technology in its business operations after notice and opportunity to cure as provided in section 5 of this act and, with respect to remedies sought under section 6(6) or 7 of this act, causes a material competitive injury as a result of such use of stolen or misappropriated information technology, is deemed to engage in an unfair act where such an article or product is sold or offered for sale in this state, either separately or as a component of another article or product, and in competition with an article or product sold or offered for sale in this state that was manufactured without violating this section. A person who engages in such an unfair act, and any articles or products manufactured by the person in violation of this section, is subject to the liabilities and remedial provisions of this chapter in an action by the attorney general or any person described in section 6(5) of this act, except as provided in sections 3 through 9 of this act.

NEW SECTION. Sec. 3. No action may be brought under this chapter, and no liability results, where:

(1) The end article or end product sold or offered for sale in this state and alleged to violate section 2 of this act is:

(a) A copyrightable end product;

(b) Merchandise manufactured by or on behalf of, or pursuant to a license from, a copyright owner and which displays or embodies a name, character, artwork, or other indicia of or from a work that falls within (a) of this subsection, or merchandise manufactured by or on behalf of, or pursuant to a license from, a copyright or trademark owner and that displays or embodies a name, character, artwork, or other indicia of or from a theme park, theme park attraction, or other facility associated with a theme park; or

(c) Packaging, carrier media, or promotional or advertising materials for any end article, end product, or merchandise that falls within (a) or (b) of this subsection;

(2) The allegation that the information technology is stolen or misappropriated is based on a claim that the information technology or its use infringes a patent or misappropriates a trade secret under applicable law or that could be brought under any provision of Title 35 of the United States Code;

(3) The allegation that the information technology is stolen or misappropriated is based on a claim that the defendant's use of the information technology violates the terms of a license that allows users to modify and redistribute any source code associated with the technology free of charge; or

(4) The allegation is based on a claim that the person violated section 2 of this act by aiding, abetting, facilitating, or assisting someone else to acquire, appropriate, use, sell, or offer to sell, or by providing someone else with access to, information technology without authorization of the owner of the information technology or the owner's authorized licensee in violation of applicable law.

NEW SECTION. Sec. 4. No injunction may issue against a person other than the person adjudicated to have violated section 2 of this act, and no attachment order may issue against articles or products other than articles or products in which the person alleged to violate section 2 of this act holds title. A person other than the person alleged to violate section 2 of this act includes any person other than the actual manufacturer who contracts with or otherwise engages another person to develop, manufacture, produce, market, distribute, advertise, or assemble an article or product alleged to violate section 2 of this act.

NEW SECTION. Sec. 5. (1) No action may be brought under section 2 of this act unless the person subject to section 2 of this act received written notice of the alleged use of the stolen or misappropriated information technology from the owner or exclusive

licensee of the information technology or the owner's agent and the person: (a) Failed to establish that its use of the information technology in question did not violate section 2 of this act; or (b) failed, within ninety days after receiving such a notice, to cease use of the owner's stolen or misappropriated information technology. However, if the person commences and thereafter proceeds diligently to replace the information technology with information technology whose use would not violate section 2 of this act, such a period must be extended for an additional period of ninety days, not to exceed one hundred eighty days total. The information technology owner or the owner's agent may extend any period described in this section.

(2) To satisfy the requirements of this section, written notice must, under penalty of perjury: (a) Identify the stolen or misappropriated information technology; (b) identify the lawful owner or exclusive licensee of the information technology; (c) identify the applicable law the person is alleged to be violating and state that the notifier has a reasonable belief that the person has acquired, appropriated, or used the information technology in question without authorization of the owner of the information technology or the owner's authorized licensee in violation of such applicable law; (d) to the extent known by the notifier, state the manner in which the information technology is being used by the defendant; (e) state the articles or products to which the information technology relates; and (f) specify the basis and the particular evidence upon which the notifier bases such an allegation.

(3) The written notification must state, under penalty of perjury, that, after a reasonable and good-faith investigation, the information in the notice is accurate based on the notifier's reasonable knowledge, information, and belief.

NEW SECTION. Sec. 6. (1) No earlier than ninety days after the provision of notice in accordance with section 5 of this act, the attorney general, or any person described in subsection (5) of this section, may bring an action against any person that is subject to section 2 of this act:

(a) To enjoin violation of section 2 of this act, including by enjoining the person from selling or offering to sell in this state articles or products that are subject to section 2 of this act, except as provided in subsection (6) of this section. However, such an injunction does not encompass articles or products to be provided to a third party that establishes that such a third party has satisfied one or more of the affirmative defenses set forth in section 8(1) of this act with respect to the manufacturer alleged to have violated section 2 of this act;

(b) Only after a determination by the court that the person has violated section 2 of this act, to recover the greater of:

(i) Actual direct damages, which may be imposed only against the person who violated section 2 of this act; or

(ii) Statutory damages of no more than the retail price of the stolen or misappropriated information technology, which may be imposed only against the person who violated section 2 of this act; or

(c) In the event the person alleged to have violated section 2 of this act has been subject to a final judgment or has entered into a final settlement, or any products manufactured by such a person and alleged to violate section 2 of this act have been the subject of an injunction or attachment order, in any federal or state court in this state or any other state, arising out of the same theft or misappropriation of information technology, the court shall dismiss the action with prejudice. If such a person is a defendant in an ongoing action, or any products manufactured by such a person and alleged to violate section 2 of this act are the subject of an ongoing injunction or attachment order, in any federal or state court in this state or any other state, arising out of the same theft or misappropriation of information technology, the court shall stay the action against such a person pending resolution of the other action. In the event the other action results in a final judgment or final settlement, the court shall dismiss the action with prejudice against

the person. Dismissals under this subsection are res judicata to actions filed against the person alleged to have violated section 2 of this act arising out of the same theft or misappropriation of information technology.

(2) After determination by the court that a person has violated section 2 of this act and entry of a judgment against the person for violating section 2 of this act, the attorney general, or a person described in subsection (5) of this section, may add to the action a claim for actual direct damages against a third party who sells or offers to sell in this state products made by that person in violation of section 2 of this act, subject to the provisions of section 8 of this act. However, damages may be imposed against a third party only if:

(a) The third party's agent for service of process was properly served with a copy of a written notice sent to the person alleged to have violated section 2 of this act that satisfies the requirements of section 5 of this act at least ninety days prior to the entry of the judgment;

(b) The person who violated section 2 of this act did not make an appearance or does not have sufficient attachable assets to satisfy a judgment against the person;

(c) Such a person either manufactured the final product or produced a component equal to thirty percent or more of the value of the final product;

(d) Such a person has a direct contractual relationship with the third party respecting the manufacture of the final product or component; and

(e) The third party has not been subject to a final judgment or entered into a final settlement in any federal or state court in this state or any other state arising out of the same theft or misappropriation of information technology. However, in the event the third party is a party to an ongoing suit for damages, or has entered an appearance as an interested third party in proceedings in rem, in any federal or state court in this state or any other state arising out of the same theft or misappropriation of information technology, the court shall stay the action against the third party pending resolution of the other action. In the event the other action results in a final judgment, the court shall dismiss the action with prejudice against the third party and dismiss any in rem action as to any articles or products manufactured for such a third party or that have been or are to be supplied to such a third party. Dismissals under this subsection are res judicata to actions filed against the person alleged to have violated section 2 of this act arising out of the same theft or misappropriation of information technology.

(3) An award of damages against such a third party pursuant to subsection (2) of this section must be the lesser of the retail price of the stolen or misappropriated information technology at issue or two hundred fifty thousand dollars, less any amounts recovered from the person adjudicated to have violated section 2 of this act, and subsection (4)(a) of this section does not apply to such an award or recovery against the third party.

(4) In an action under this chapter, a court may:

(a) Against the person adjudicated to have violated section 2 of this act, increase the damages up to three times the damages authorized by subsection (1)(b) of this section where the court finds that the person's use of the stolen or misappropriated information technology was willful;

(b) With respect to an award under subsection (1) of this section only, award costs and reasonable attorneys' fees to: (i) A prevailing plaintiff in actions brought by an injured person under section 2 of this act; or (ii) a prevailing defendant in actions brought by an allegedly injured person; and

(c) With respect to an action under subsection (2) of this section brought by a private plaintiff only, award costs and reasonable attorneys' fees to a third party for all litigation expenses (including, without limitation, discovery expenses) incurred by that party if it prevails on the requirement set forth in subsection (2)(c) of this

section or who qualifies for an affirmative defense under section 8 of this act. However, in a case in which the third party received a copy of the notification described in subsection (2)(a) of this section at least ninety days before the filing of the action under subsection (2) of this section, with respect to a third party's reliance on the affirmative defenses set forth in section 8(1) (c) and (d) of this act, the court may award costs and reasonable attorneys' fees only if all of the conduct on which the affirmative defense is based was undertaken by the third party, and the third party notified the plaintiff of the conduct, prior to the end of the ninety- day period.

(5) A person is deemed to have been injured by the sale or offer for sale of a directly competing article or product subject to section 2 of this act if the person establishes by a preponderance of the evidence that:

(a) The person manufactures articles or products that are sold or offered for sale in this state in direct competition with articles or products that are subject to section 2 of this act;

(b) The person's articles or products were not manufactured using stolen or misappropriated information technology of the owner of the information technology;

(c) The person suffered economic harm, which may be shown by evidence that the retail price of the stolen or misappropriated information technology was twenty thousand dollars or more; and

(d) If the person is proceeding in rem or seeks injunctive relief, that the person suffered material competitive injury as a result of the violation of section 2 of this act.

(6)(a) If the court determines that a person found to have violated section 2 of this act lacks sufficient attachable assets in this state to satisfy a judgment rendered against it, the court may enjoin the sale or offering for sale in this state of any articles or products subject to section 2 of this act, except as provided in section 4 of this act.

(b) To the extent that an article or product subject to section 2 of this act is an essential component of a third party's article or product, the court shall deny injunctive relief as to such an essential component, provided that the third party has undertaken good faith efforts within the third party's rights under its applicable contract with the manufacturer to direct the manufacturer of the essential component to cease the theft or misappropriation of information technology in violation of section 2 of this act, which may be satisfied, without limitation, by the third party issuing a written directive to the manufacturer demanding that it cease the theft or misappropriation and demanding that the manufacturer provide the third party with copies of invoices, purchase orders, licenses, or other verification of lawful use of the information technology at issue.

(7) The court shall determine whether a cure period longer than the period reflected in section 5 of this act would be reasonable given the nature of the use of the information technology that is the subject of the action and the time reasonably necessary either to bring such use into compliance with applicable law or to replace the information technology with information technology that would not violate section 2 of this act. If the court deems that a longer cure period would be reasonable, then the action shall be stayed until the end of that longer cure period. If by the end of that longer cure period, the defendant has established that its use of the information technology in question did not violate section 2 of this act, or the defendant ceased use of the stolen or misappropriated information technology, then the action must be dismissed.

NEW SECTION. Sec. 7. (1) In a case in which the court is unable to obtain personal jurisdiction over a person subject to section 2 of this act, the court may proceed in rem against any articles or products subject to section 2 of this act sold or offered for sale in this state in which the person alleged to have violated section 2 of this act holds title. Except as provided in section 4 of this act and subsection (2) through (4) of this section, all such articles or products are subject to attachment at or after the time of filing a complaint, regardless of the availability or amount of any monetary judgment.

(2) At least ninety days prior to the enforcement of an attachment order against articles or products pursuant to subsection (1) of this section, the court shall notify any person in possession of the articles or products of the pending attachment order. Prior to the expiration of the ninety day period, any person for whom the articles or products were manufactured, or to whom the articles or products have been or are to be supplied, pursuant to an existing contract or purchase order, may:

(a) Establish that the person has satisfied one or more of the affirmative defenses set forth in section 8(1) of this act with respect to the manufacturer alleged to have violated section 2 of this act, in which case the attachment order must be dissolved only with respect to those articles or products that were manufactured for such a person, or have been or are to be supplied to such a person, pursuant to an existing contract or purchase order; or

(b) Post a bond with the court equal to the retail price of the allegedly stolen or misappropriated information technology or twenty- five thousand dollars, whichever is less, in which case the court shall stay enforcement of the attachment order against the articles or products and shall proceed on the basis of its jurisdiction over the bond. The person posting the bond shall recover the full amount of such bond, plus interest, after the issuance of a final judgment.

(3) In the event the person posting the bond pursuant to subsection (2)(b) of this section is entitled to claim an affirmative defense in section 8 of this act, and that person establishes with the court that the person is entitled to any affirmative defense, the court shall award costs and reasonable attorneys' fees to the person posting the bond and against the plaintiff in the event the plaintiff proceeds with an action pursuant to section 6(2) of this act against the person posting the bond.

(4) In the event that the court does not provide notification as described in subsection (2) of this section, the court, upon motion of any third party, shall stay the enforcement of the attachment order for ninety days as to articles or products manufactured for the third party, or that have been or are to be supplied to the third party, pursuant to an existing contract or purchase order, during which ninety day period the third party may avail itself of the options set forth in subsection (2)(a) and (b) of this section.

NEW SECTION. Sec. 8. (1) A court may not award damages against any third party pursuant to section 6(2) of this act where that party, after having been afforded reasonable notice of at least ninety days by proper service upon such a party's agent for service of process and opportunity to plead any of the affirmative defenses set forth in this subsection, establishes by a preponderance of the evidence any of the following:

(a) Such a person is the end consumer or end user of an article or product subject to section 2 of this act, or acquired the article or product after its sale to an end consumer or end user;

(b) Such a person is a business with annual revenues not in excess of fifty million dollars;

(c) The person acquired the articles or products:

(i) And had either: A code of conduct or other written document governing the person's commercial relationships with the manufacturer adjudicated to have violated section 2 of this act and which includes commitments, such as general commitments to comply with applicable laws, that prohibit use of the stolen or misappropriated information technology by such manufacturer; or written assurances from the manufacturer of the articles or products that the articles or products, to the manufacturer's reasonable knowledge, were manufactured without the use of stolen or misappropriated information technology in the manufacturer's business operations. However, with respect to this subsection (c)(i), within one hundred eighty days of receiving written notice of the judgment against the manufacturer for a violation of section 2 of this act and a copy of a written notice that satisfies the requirements of

section 5 of this act, the person must undertake commercially reasonable efforts to do any of the following:

(A) Exchange written correspondence confirming that such a manufacturer is not using the stolen or misappropriated information technology in violation of section 2 of this act, which may be satisfied, without limitation, by obtaining written assurances from the manufacturer accompanied by copies of invoices, purchase orders, licenses, or other verification of lawful use of the information technology at issue;

(B) Direct the manufacturer to cease the theft or misappropriation, which may be satisfied, without limitation, by the third party issuing a written directive to the manufacturer demanding that it cease such theft or misappropriation and demanding that the manufacturer provide the third party with copies of invoices, purchase orders, licenses, or other verification of lawful use of the information technology at issue; and for purposes of clarification, the third party need take no additional action to fully avail itself of this affirmative defense; or

(C) In a case in which the manufacturer has failed to cease such a theft or misappropriation within the one hundred eighty-day period, and the third party has not fulfilled either option (c)(i)(A) of this subsection or option (c)(i)(B) of this subsection, cease the future acquisition of the articles or products from the manufacturer during the period that the manufacturer continues to engage in the theft or misappropriation subject to section 2 of this act where doing so would not constitute a breach of an agreement between the person and the manufacturer for the manufacture of the articles or products in question that was entered into on or before one hundred eighty days after the effective date of this section; or

(ii) Pursuant to an agreement between the person and a manufacturer for the manufacture of the articles or products in question that was entered into before one hundred eighty days after the effective date of this section. However, within one hundred eighty days of receiving written notice of the judgment against the manufacturer for a violation of section 2 of this act and a copy of a written notice that satisfies the requirements of section 5 of this act, the person must undertake commercially reasonable efforts to do any of the following:

(A) Obtain from the manufacturer written assurances that such a manufacturer is not using the stolen or misappropriated information technology in violation of section 2 of this act, which may be satisfied, without limitation, by obtaining written assurances from the manufacturer accompanied by copies of invoices, purchase orders, licenses, or other verification of lawful use of the information technology at issue;

(B) Direct the manufacturer to cease the theft or misappropriation, which may be satisfied, without limitation, by the third party issuing a written directive to the manufacturer demanding that it cease such theft or misappropriation and demanding that the manufacturer provide the third party with copies of invoices, purchase orders, licenses, or other verification of lawful use of the information technology at issue; and for purposes of clarification, the third party need take no additional action to fully avail itself of this affirmative defense; or

(C) In a case in which the manufacturer has failed to cease the theft or misappropriation within the one hundred eighty-day period, and the third party has not fulfilled either option (c)(ii)(A) of this subsection or option (c)(ii)(B) of this subsection, cease the future acquisition of the articles or products from the manufacturer during the period that the manufacturer continues to engage in the theft or misappropriation subject to section 2 of this act where doing so would not constitute a breach of such agreement;

(d) The person has made commercially reasonable efforts to implement practices and procedures to require its direct manufacturers, in manufacturing articles or products for such person, not to use stolen or misappropriated information technology in

violation of section 2 of this act. A person may satisfy this subsection (1)(d) by:

(i) Adopting and undertaking commercially reasonable efforts to implement a code of conduct or similar written requirements, which are applicable to the person's direct manufacturers, that prohibit the use of stolen or misappropriated information technology by such a manufacturer, subject to a right of audit, and the person either: (A) Has a practice of auditing its direct manufacturers on a periodic basis in accordance with generally accepted industry standards; or (B) requires in its agreements with its direct manufacturers that they submit to audits by a third party, which may include a third-party association of businesses representing the owner of the stolen or misappropriated intellectual property, and further provides that a failure to remedy any deficiencies found in such an audit that constitute a violation of the applicable law of the jurisdiction where the deficiency occurred constitutes a breach of the contract, subject to cure within a reasonable period of time; or

(ii) Adopting and undertaking commercially reasonable efforts to implement a code of conduct or similar written requirements, which are applicable to the person's direct manufacturers, that prohibit use of stolen or misappropriated information technology by such a manufacturer, and the person undertakes practices and procedures to address compliance with the prohibition against the use of the stolen or misappropriated information technology in accordance with the applicable code of conduct or written requirements; or

(e) The person does not have a contractual relationship with the person alleged to have violated section 2 of this act respecting the manufacture of the articles or products alleged to have been manufactured in violation of section 2 of this act.

(2) A third party must have the opportunity to be heard regarding whether an article or product is an essential component provided or to be provided to a third party, and must have the right to file a motion to dismiss any action brought against it under section 6(2) of this act.

(3) The court may not enforce any award for damages against such a third party until after the court has ruled on that party's claim of eligibility for any of the affirmative defenses set out in this section, and prior to such a ruling may allow discovery, in an action under section 6(2) of this act, only on the particular defenses raised by the third party.

(4) The court shall allow discovery against a third party on an issue only after all discovery on that issue between the parties has been completed and only if the evidence produced as a result of the discovery does not resolve an issue of material dispute between the parties.

(5) Any confidential or otherwise sensitive information submitted by a party pursuant to this section is subject to a protective order.

NEW SECTION. Sec. 9. A court may not enforce an award of damages against a third party pursuant to section 6(2) of this act for a period of eighteen months from the effective date of this section.

NEW SECTION. Sec. 10. A violation of this chapter may not be considered a violation of the state consumer protection act, and chapter 19.86 RCW does not apply to this chapter. The remedies provided under this chapter are the exclusive remedies for the parties.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 3 of the title, after "state;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and prescribing penalties."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1495 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Eddy and Shea spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hinkle, Representative Nealey was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1495, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1495, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Bailey, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Armstrong, Asay, Buys, Klippert, Kretz, McCune, Orcutt, Overstreet, Rivers, Short and Walsh.

Excused: Representative Nealey.

SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING**HOUSE BILL NO. 1312, by Representatives Cody, Jinkins, Green and Kenney**

Regarding statutory changes needed to implement a waiver to receive federal assistance for certain state purchased public health care programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1312 was substituted for House Bill No. 1312 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1312 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1312.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1312, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Warnick, Wilcox and Zeiger.

Excused: Representative Nealey.

SUBSTITUTE HOUSE BILL NO. 1312, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5451, by Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Ericksen, Pridemore, Harper, Carrell, Hobbs, Rockefeller, Tom, White and Shin)**Concerning shoreline structures in a master program adopted under the shoreline management act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 65, March 15, 2011).

Representative Angel moved the adoption of amendment (446) to the committee amendment:

On page 1, line 8 of the amendment, after "Residential structures" strike "and appurtenant structures" and insert ", appurtenant residential structures, business structures, and appurtenant business structures"

On page 1, line 14 of the amendment, after "residential" insert "or business"

On page 1, line 17 of the amendment, after "appurtenant" insert "residential"

On page 1, line 19 of the amendment, after "Appurtenant" insert "residential"

On page 1, line 25 of the amendment, after "residential" insert "or business"

Representatives Angel and Smith spoke in favor of the adoption of the amendment to the committee amendment.

Representative Takko spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was demanded and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of amendment (446) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCoy, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Voting nay: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Excused: Representative Nealey.

Amendment (446) was not adopted.

There being no objection, the committee amendment was adopted.

Representative Angel moved the adoption of amendment (486).

0)

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature recognizes that there is concern from property owners regarding legal status of existing legally developed shoreline structures under updated shoreline master programs. In recognition of this concern, the legislature finds that updated shoreline master programs must include provisions to ensure that the maintenance, repair, and replacement of existing structures is allowed so that no property is taken illegally.

The legislature further recognizes that property rights are protected by the state Constitution. While the legislature may mandate that newly constructed buildings comply with ever-changing requirements, it does not intend for updated shoreline master programs to harm, penalize, or otherwise disadvantage persons who complied with applicable requirements at the time of the development action, but who now find that their properties do not conform with current standards. Furthermore, the legislature does not intend to have these properties deemed illegal, as the legislature recognizes and affirms that the government may not deny a property owner the right to protect the value of their property, including existing structures.

NEW SECTION, Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) New or amended master programs approved by the department on or after September 1, 2011, must assure that:

(a) All structures that were legally established and are existing as of September 1, 2011, are considered conforming structures in the master program; and

(b) Legally established structures are allowed to be maintained, repaired, and replaced in the exact location and size specifications as the original structure.

(2) Local governments may adopt incentives to encourage voluntary modifications by property owners to comply with laws and regulations adopted after the structure was legally established.

(3) Nothing in this section affects the application of other federal, state, or local government requirements to legally established structures."

Representative Angel spoke in favor of the adoption of the amendment.

Representative Takko spoke against the adoption of the amendment.

An electronic roll call was demanded and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of amendment (486) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Voting nay: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Excused: Representative Nealey.

Amendment (486) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5451, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5451, as amended by the House, and the bill

passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Clibborn, Cody, Dahlquist, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Short, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Chandler, Condotta, Crouse, DeBolt, Fagan, Haler, Johnson, Klippert, McCune, Parker, Rodne, Ross, Schmick, Shea, Taylor and Wilcox.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5451, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Murray, Regala, Kohl-Welles, Prentice and Chase)

Protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Hinkle spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5020.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5020, and the bill passed the House by the following vote: Yeas, 76; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Angel, Buys, Chandler, Condotta, Crouse, Fagan, Hargrove, Klippert, Kretz, Kristiansen, McCune, Overstreet, Parker, Pearson, Schmick, Shea, Short, Taylor and Wilcox.

Excused: Representative Nealey.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5061, by Senators Swecker, Haugen, King and Shin

Reconciling changes made to vehicle and vessel registration and title provisions during the 2010 legislative sessions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 58, March 8, 2011).

Representative Clibborn moved the adoption of amendment (501).

On page 46, after line 25, insert the following:
"Sec. 58. RCW 46.17.315 and 2010 c 161 s 524 are each amended to read as follows:

(1) Before accepting an application for a motor vehicle base plated in the state of Washington that is subject to highway inspections and compliance reviews by the Washington state patrol under RCW 46.32.080 or the international registration plan if base plated in a foreign jurisdiction, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a sixteen dollar commercial vehicle safety enforcement fee in addition to any other fees and taxes required by law. The sixteen dollar fee:

(a) Must be apportioned for those vehicles operating interstate and registered under the international registration plan;

(b) Does not apply to trailers; and

(c) Is not refundable when the motor vehicle is no longer subject to RCW 46.32.080.

(2) The department may deduct an amount equal to the cost of administering the program. All remaining fees must be deposited with the state treasurer and credited to the state patrol highway account of the motor vehicle fund created in RCW 46.68.070."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 49, line 10, after "\$" strike "~~((25.00))~~" and insert "25.00"

On page 49, line 11, strike "30.00"

On page 51, line 26, after "organizations," strike "the department," and insert "~~((the department,))~~"

On page 56, line 35, after "plates" insert "under subsection (2)(b) of this section"

Representatives Clibborn and Hargrove spoke in favor of the adoption of the amendment.

Amendment (501) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Hargrove spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5061, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5061, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

ENGROSSED SENATE BILL NO. 5061, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5068, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Conway, Prentice and Kohl-Welles)

Addressing the abatement of violations of the Washington industrial safety and health act during an appeal.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (502).

0)

On page 4, line 7, after "section" insert ". When a notice of appeal is filed that includes a stay of abatement request, the department must make available to the employer within five business days all records relating to the violation that is the subject of the appeal"

On page 4, beginning on line 30, after "unless" strike "based on the preliminary evidence it is more likely than not" and insert "the board finds based on clear and convincing evidence"

On page 5, beginning on line 1, strike all of subsection (6)

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

Amendment (502) was not adopted.

Representative Condotta moved the adoption of amendment (503).

0)

On page 5, line 1, after "(6)" insert "If a final order vacates an underlying violation for which the board denied a stay of abatement

and the final order vacating the violation contains a finding of fact that no hazard exists, the department must reimburse the employer for the reasonable costs for implementation of approved abatement plans and timelines, without any offset for any amounts the employer owes the department.

(7)"

Representatives Condotta, Smith, Parker and Shea spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

An electronic roll call was demanded and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of amendment (503) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Blake, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Voting nay: Representatives Appleton, Billig, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Excused: Representative Nealey.

Amendment (503) was not adopted.

Representative Condotta moved the adoption of amendment (504).

0)

On page 5, line 1, after "(6)" insert "Subsections (4) and (5) of this section do not apply to a small business as defined in RCW 19.85.020.

(7)"

Representatives Condotta, Orcutt and Parker spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (504) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reykdal spoke in favor of the passage of the bill.

Representatives Condotta and DeBolt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5068.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5068, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representative Nealey.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5068, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5105, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Conway, Stevens, Schoesler, Becker and Shin)

Addressing the conditional release of persons committed as criminally insane to their county of origin.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5105.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5105, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby,

Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Bailey, Buys, Kretz, Overstreet, Short and Taylor.

Excused: Representative Nealey.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5105, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5117, by Senators Haugen, Ranker, Stevens and Shin

Concerning the population restrictions for a geographic area to qualify as a rural public hospital district.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5117.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5117, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SENATE BILL NO. 5117, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5392, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Litzow, Fain, Nelson, Hill, Harper, Eide, Shin, Kohl-Welles, Tom and Roach)

Including technology as a stated educational core concept and principle.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 74, March 24, 2011).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5392, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5392, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Angel, Buys, Condotta, Crouse, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Shea, Short, Taylor and Wilcox.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5392, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5500, by Senators Baumgartner, Chase, Kastama, Zarelli, Schoesler, Shin, Holmquist Newbry, Delvin, Parlette, Kilmer and Roach

Concerning the rule-making process for state economic policy.

The bill was read the second time.

Representative Overstreet moved the adoption of amendment (492).

On page 2, after line 32, insert the following:

"For the period August 1, 2011, through June 30, 2014, if a rule proposed by an agency will cost a business five thousand dollars or more in a year, the agency may not implement the rule until legislation is enacted, or must modify the rule to reduce the cost."

Representatives Overstreet, Orcutt, Shea, Angel and Smith spoke in favor of the adoption of the amendment.

Representative Hurst spoke against the adoption of the amendment.

There being no objection, the House deferred action on Senate Bill No. 5500 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5504, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Eide, Kohl-Welles and Keiser)

Addressing unlicensed child care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 72, March 22, 2011.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Roberts spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5504, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5504, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Asay, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5504, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5540, by Senate Committee on Transportation (originally sponsored by Senators Hobbs, Delvin, King and Hewitt)

Authorizing the use of automated school bus safety cameras.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 74, March 24, 2011)

Representative Shea moved the adoption of amendment (497) to the committee amendment.

0) On page 1, line 15 of the striking amendment, after "if" insert "the school district determines through a traffic study conducted by a traffic engineer who is not employed or paid by the camera manufacturer or vendor that the cameras are necessary to correct serious safety concerns and"

Representative Shea spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment.

Amendment (497) was not adopted.

Representative Shea moved the adoption of amendment (496) to the committee amendment.

0) On page 1, line 26 of the striking amendment, after "(b)" insert "Each automated school bus safety camera installed on a school bus must be inspected and calibrated by a traffic engineer who is not employed or paid by the camera manufacturer or vendor.

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Shea and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Liias spoke against the adoption of the amendment to the committee amendment.

Amendment (496) was not adopted.

There being no objection, the committee amendment by the Committee on Transportation was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5540, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5540, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove,

Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Overstreet and Shea.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5540, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5546, by Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Delvin, Chase, Pflug, Fraser, Keiser, Rockefeller, Regala, Kline, Holmquist Newbry, King, Shin, White, Stevens, Roach and Conway)

Concerning the crime of human trafficking.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst, Pearson and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5546.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5546, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5546, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5585, by Senate Committee on Transportation (originally sponsored by Senator Carrell)

Concerning street rod and custom vehicles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5585.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5585, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Nealey.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5585, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5589, by Senator Morton

Addressing heavy haul industrial corridors.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Billig and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5589.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5589, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan,

Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SENATE BILL NO. 5589, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5590, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Benton)

Concerning lien holder requirements for certain foreclosure sales.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 74, March 24, 2011.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5590, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5590, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5590, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5625, by Senators Harper, King, McAuliffe, Litzow and Nelson

Authorizing implementation of a nonexpiring license for early learning providers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 72, March 22, 2011.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Roberts and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5625, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5625, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Halder, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives McCune and Overstreet.
Excused: Representative Nealey.

SENATE BILL NO. 5625, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5635, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Honeyford and Rockefeller)

Concerning changes in the point of a diversion under a surface water right permit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5635.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5635, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Halder, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5635, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5664, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators McAuliffe, Shin, Hobbs, Nelson, Rockefeller, Litzow, Chase, Tom, Zarelli, Brown, Kilmer, Delvin and Murray)

Concerning the Lake Washington Institute of Technology.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Goodman spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5664.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5664, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Halder, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Smith,

Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Warnick, Zeiger and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Condotta, Crouse, Dahlquist, DeBolt, Hargrove, Hinkle, Hurst, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Rivers, Rodne, Shea, Short, Taylor, Van De Wege, Walsh and Wilcox.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5664, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5688, by Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Swecker, Rockefeller, Litzow, Shin and Kline)

Concerning shark finning activities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 66, March 16, 2011.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5688, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5688, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5688, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 5688.

Representative McCune, 2nd District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5740, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kastama, Chase and Roach)

Preventing predatory guardianships of incapacitated adults.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 74, March 24, 2011.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5740, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5740, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5740, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5797, by Senate Committee on Transportation (originally sponsored by Senators Fain and Haugen)

Eliminating the urban arterial trust account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Liias and Hargrove spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5797.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5797, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5797, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5800, by Senate Committee on Transportation (originally sponsored by Senators King, Haugen and Shin)

Authorizing the use of modified off-road motorcycles on public roads.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5800.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5800, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew,

Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SUBSTITUTE SENATE BILL NO. 5800, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5000, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Ericksen, Hatfield, Schoesler, Shin, Conway, Tom, Sheldon and Kilmer)

Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence.

The bill was read the second time.

Representative Klippert moved the adoption of amendment (506).

0)

On page 3, beginning on line 11, after "after" strike "a registered tow truck operator has been dispatched" and insert "the police officer contacted the police dispatcher requesting a registered tow truck operator"

Representatives Klippert and Pedersen spoke in favor of the adoption of the amendment.

Amendment (506) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hinkle, Representatives Parker, Rodne and Ross were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5000, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5000, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rolfes, Ryu, Santos, Schmick, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor,

Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Seaquist.

Excused: Representatives Nealey, Parker, Rodne and Ross.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5000, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5011, by Senators White, Kohl-Welles, Murray, Chase, Nelson and McAuliffe

Concerning the victimization of homeless persons.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5011.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5011, and the bill passed the House by the following vote: Yeas, 92; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rolfes, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Overstreet.

Excused: Representatives Nealey, Parker, Rodne and Ross.

SENATE BILL NO. 5011, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5784, by Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Litzow, Ranker, Swecker, Hobbs, Fain, Hill, Pridemore, Nelson, Rockefeller, Regala, Shin and Kline)

Advancing the regional ocean partnership.

The bill was read the second time.

Representative Harris moved the adoption of amendment (482).
0)

On page 2, beginning on line 19, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 43.372.070 and 2010 c 145 s 10 are each amended to read as follows:

(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, implementation of the marine management plan, and for the restoration or enhancement of marine habitat or resources.

(3) When moneys are deposited into the marine resources stewardship trust account, the governor must provide recommendations on expenditures from the account to the appropriate committees of the legislature prior to the next regular legislative session. The recommended projects and activities must be consistent with:

(a) The allowable uses of the marine resources stewardship trust account;

(b) The priority areas identified in the west coast governor's agreement on ocean health, entered into on September 18, 2006, and recognized in section 1 of this act."

Correct the title.

Representative Taylor moved the adoption of amendment (483) to amendment (482).

On page 1, line 5 of the amendment, after "(1)" insert "(a)"

On page 1, line 6 of the amendment, after "treasury." strike "All" and insert "Except as otherwise provided in (b) of this subsection, all"

On page 1, after line 11 of the amendment, insert the following:

"(b) No funds may be accepted for deposit into the marine resources stewardship trust account if acceptance of the funds obligates the state to maintain certain funding levels, fund a specific program for a time period longer than that provided by the funding, maintain specific staffing levels at an agency or for a program, or requires the state to adopt or renew specific rules."

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Upthegrove spoke against the adoption of the amendment to the amendment.

Amendment (483) was not adopted.

Representative Taylor moved the adoption of amendment (484) to amendment (482).

On page 1, line 5 of the amendment, after "(1)" insert "(a)"

On page 1, line 6 of the amendment, after "treasury." strike "All" and insert "Except as otherwise provided in (b) of this subsection, all"

On page 1, after line 11 of the amendment, insert the following:

"(b) No funds may be accepted for deposit into the marine resources stewardship trust account absent specific legislative approval if acceptance of the funds obligates the state to maintain certain funding levels, fund a specific program for a time period longer than that provided by the funding, maintain specific staffing levels at an agency or for a program, or requires the state to adopt or renew specific rules."

Representatives Taylor and Short spoke in favor of the adoption of the amendment to the amendment.

Representative Upthegrove spoke against the adoption of the amendment to the amendment.

Amendment (484) was not adopted.

Representative Short moved the adoption of amendment (485).

On page 1, line 20 of the amendment, after "with" insert "the following, as long as the recommendations are not likely to hinder the ability of the state to pursue energy development from our state's natural resources"

Representative Short spoke in favor of the adoption of the amendment to the amendment.

Representative Upthegrove spoke against the adoption of the amendment to the amendment.

Amendment (485) was not adopted.

Representatives Harris and Upthegrove spoke in favor of the adoption of amendment (482).

Amendment (482) was adopted.

Representative Short moved the adoption of amendment (480).

On page 2, after line 29, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 43.372 RCW to read as follows:

(1) If the expenditure of money from the marine resources stewardship trust account created in RCW 43.372.070 results in the creation of a new state program or rule, then the agency or agencies responsible for implementing the program or rule must identify any peer-reviewed science, scientific literature, or other sources of information reviewed by the agency or relied upon for the implementation of the program or rule.

(2) As used in this section, "peer-reviewed science" means information developed using the scientific method for which the following factors are true:

(a) The scientific information is provided by a qualified, scientific professional or professionals with issue-appropriate expertise based on the professional's credentials, certifications, earned advanced degrees, years of experience, recognized leadership in an appropriate scholarly area, formal training, and recognized ability to produce peer-reviewed professional literature;

(b) The scientific information has been subjected to independent peer review by at least three reviewers who are qualified and are independent with no conflict of interest. Independent peer review may be performed by reputable scientific journals, scholarly organizations such as the national academies, commissioned by the relevant agency, or commissioned by qualified entities whose interests will be affected by the action;

(c) The methods used to obtain the information are clearly stated, standardized for the pertinent scientific discipline, and are able to be replicated;

(d) The conclusions underlying the information are based on reasonable and logical assumptions supported by other studies and consistent with the data presented;

(e) The data underlying the information have been analyzed using the appropriate statistical or quantitative methods;

(f) The information has been placed in a proper context and is appropriately framed with respect to the prevailing body of pertinent scientific knowledge; and

(g) The information is based on assumptions, analytical techniques, and conclusions that are clearly stated and well-referenced with citations to credible literature and other pertinent existing information."

Correct the title.

Representative Short spoke in favor of the adoption of the amendment.

Representative Upthegrove spoke against the adoption of the amendment.

Amendment (480) was not adopted.

With the consent of the house, amendment (481) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Upthegrove spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5784, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5784, as amended by the House, and the bill passed the House by the following vote: Yeas, 78; Nays, 17; Absent, 0; Excused, 1; Not Voting, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Kretz, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Angel, Buys, Chandler, Crouse, Fagan, Haler, Klippert, Kristiansen, McCune, Overstreet, Parker, Pearson, Schmick, Shea, Short and Taylor.

Excused: Representative Nealey.

Not Voting: Representative Cody.

SUBSTITUTE SENATE BILL NO. 5784, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1632, by Representatives Hope, Hurst and Armstrong

Modifying cost of supervision provisions.

The bill was read the second time.

With the consent of the house, amendments (274) and (215) were withdrawn.

There being no objection, Substitute House Bill No. 1632 was substituted for House Bill No. 1632 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1632 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hope and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1632.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1632, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representative Nealey.

SUBSTITUTE HOUSE BILL NO. 1632, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2019, by Representative Dunshee

Concerning the deposit of the additional cigarette tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dunshee spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2019.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2019, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Appleton, Armstrong, Asay, Billig, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Anderson, Angel, Bailey, Buys, Chandler, Condotta, Crouse, DeBolt, Fagan, Haler, Hargrove, Harris, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Schmick, Shea, Short, Taylor and Wilcox.

Excused: Representative Nealey.

HOUSE BILL NO. 2019, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Engrossed Second Substitute Senate Bill No. 5000, as amended by the House, passed the House.

MOTIONS

On motion of Representative Van De Wege, Representative Lytton was excused. On motion of Representative Hinkle, Representative Warnick was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5000, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Lytton and Warnick.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5000, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5023, by Senate Committee on Judiciary (originally sponsored by Senators

Prentice, McAuliffe, Litzow, Shin, Kline, Pflug, Fraser, Chase and Rockefeller)

Addressing nonlegal immigration-related services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 17, 2011).

Representative Shea moved the adoption of amendment (512) to the committee amendment:

On page 2, line 15 of the amendment, after "affecting the" insert "legal or illegal status of any person, including the"

Representative Shea spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pedersen spoke against the adoption of the amendment to the committee amendment.

Amendment (512) was not adopted.

Representative Rodne moved the adoption of amendment (498) to the committee amendment.

On page 3, line 5 of the amendment, after "(a)" insert "Advising or assisting another person in determining the person's legal or illegal status for the purpose of an immigration matter;

(b)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Rodne and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (498) was adopted.

Representative Shea moved the adoption of amendment (509) to the committee amendment.

On page 5, after line 31 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 9.** A new section is added to chapter 70.47 RCW to read as follows:

(1) No person is eligible for benefits under this chapter unless he or she is a Washington resident at the time of application, maintains Washington residency continuously while receiving benefits, and is either:

(a) A citizen of the United States by birth or naturalization; or

(b) A qualified alien who either:

(i) Entered the United States on or before August 21, 1996;

(ii) Entered the United States after August 21, 1996, and has maintained his or her status as a qualified alien for a period of at least five years beginning on his or her date of entry, except for a Cuban or Haitian entrant as defined in section 501(e)(2) of the refugee education assistance act of 1980 (P.L. 96-422);

(iii) Entered the United States as a member of one of the exception groups under P.L. 104-193, section 412, in which case the person must be determined eligible in accordance with P.L. 104-193; or

(iv) Meets the definition of a "qualified alien" as provided by the attorney general of the United States under the authority of P.L. 104-208, section 501.

(2)(a) The department of social and health services shall accept the following documents as acceptable proof of eligibility under this subsection:

(i) A United States passport or passport card;

(ii) An enhanced driver's license or state identification card;

(iii) A certificate of naturalization;

(iv) A certificate of citizenship;

(v) A tribal membership card with a photograph;

(vi) An official state or county issued birth certificate;

(vii) A certification of birth issued by the federal department of state;

(viii) A department of health printout for Washington state birth;

(ix) A United States citizen identification card; or

(x) A final adoption decree in the United States.

(b) No state resources shall be used for investigating the eligibility of an applicant who has not submitted satisfactory documentation. No state resources shall be used to purchase satisfactory documentation for an applicant. The department may provide applicants with a list of community resources that help applicants locate and obtain satisfactory documentation.

(3) For the purposes of this section, "qualified alien" has the same meaning as provided in the federal personal responsibility and work opportunity reconciliation act of 1996 (P.L. 104-193).

NEW SECTION. Sec. 10. A new section is added to chapter 74.04 RCW to read as follows:

(1) For purposes of the food stamp program established in RCW 74.04.500 through 74.04.535, no person is eligible for benefits under the program unless he or she is a Washington resident at the time of application, maintains Washington residency continuously while receiving benefits, and is either:

(a) A citizen of the United States by birth or naturalization; or

(b) A qualified alien who either:

(i) Entered the United States on or before August 21, 1996;

(ii) Entered the United States after August 21, 1996, and has maintained his or her status as a qualified alien for a period of at least five years beginning on his or her date of entry, except for a Cuban or Haitian entrant as defined in section 501(e)(2) of the refugee education assistance act of 1980 (P.L. 96-422);

(iii) Entered the United States as a member of one of the exception groups under P.L. 104-193, section 412, in which case the person must be determined eligible in accordance with P.L. 104-193; or

(iv) Meets the definition of a "qualified alien" as provided by the attorney general of the United States under the authority of P.L. 104-208, section 501.

(2)(a) The department shall accept the following documents as acceptable proof of eligibility under this subsection:

(i) A United States passport or passport card;

(ii) An enhanced driver's license or state identification card;

(iii) A certificate of naturalization;

(iv) A certificate of citizenship;

(v) A tribal membership card with a photograph;

(vi) An official state or county issued birth certificate;

(vii) A certification of birth issued by the federal department of state;

(viii) A department of health printout for Washington state birth;

(ix) A United States citizen identification card; or

(x) A final adoption decree in the United States.

(b) No state resources shall be used for investigating the eligibility of an applicant who has not submitted satisfactory documentation. No state resources shall be used to purchase satisfactory documentation for an applicant. The department may

provide applicants with a list of community resources that help applicants locate and obtain satisfactory documentation.

(3) For the purposes of this section, "qualified alien" has the same meaning as provided in the federal personal responsibility and work opportunity reconciliation act of 1996 (P.L. 104-193).

NEW SECTION. Sec. 11. A new section is added to chapter 74.09 RCW to read as follows:

(1) No person is eligible for benefits under this chapter unless he or she is a Washington resident at the time of application, maintains Washington residency continuously while receiving benefits, and is either:

- (a) A citizen of the United States by birth or naturalization; or
- (b) A qualified alien who either:

- (i) Entered the United States on or before August 21, 1996;

- (ii) Entered the United States after August 21, 1996, and has maintained his or her status as a qualified alien for a period of at least five years beginning on his or her date of entry, except for a Cuban or Haitian entrant as defined in section 501(e)(2) of the refugee education assistance act of 1980 (P.L. 96-422);

- (iii) Entered the United States as a member of one of the exception groups under P.L. 104-193, section 412, in which case the person must be determined eligible in accordance with P.L. 104-193; or

- (iv) Meets the definition of a "qualified alien" as provided by the attorney general of the United States under the authority of P.L. 104-208, section 501.

(2)(a) The department shall accept the following documents as acceptable proof of eligibility under this subsection:

- (i) A United States passport or passport card;
- (ii) An enhanced driver's license or state identification card;
- (iii) A certificate of naturalization;
- (iv) A certificate of citizenship;
- (v) A tribal membership card with a photograph;
- (vi) An official state or county issued birth certificate;
- (vii) A certification of birth issued by the federal department of state;

- (viii) A department of health printout for Washington state birth;

- (ix) A United States citizen identification card; or

- (x) A final adoption decree in the United States.

(b) No state resources shall be used for investigating the eligibility of an applicant who has not submitted satisfactory documentation. No state resources shall be used to purchase satisfactory documentation for an applicant. The department may provide applicants with a list of community resources that help applicants locate and obtain satisfactory documentation.

(3) For the purposes of this section, "qualified alien" has the same meaning as provided in the federal personal responsibility and work opportunity reconciliation act of 1996 (P.L. 104-193).

NEW SECTION. Sec. 12. A new section is added to chapter 74.12 RCW to read as follows:

(1) No person is eligible for benefits under this chapter unless he or she is a Washington resident at the time of application, maintains Washington residency continuously while receiving benefits, and is either:

- (a) A citizen of the United States by birth or naturalization; or
- (b) A qualified alien who either:

- (i) Entered the United States on or before August 21, 1996;

- (ii) Entered the United States after August 21, 1996, and has maintained his or her status as a qualified alien for a period of at least five years beginning on his or her date of entry, except for a Cuban or Haitian entrant as defined in section 501(e)(2) of the refugee education assistance act of 1980 (P.L. 96-422);

- (iii) Entered the United States as a member of one of the exception groups under P.L. 104-193, section 412, in which case the person must be determined eligible in accordance with P.L. 104-193; or

- (iv) Meets the definition of a "qualified alien" as provided by the attorney general of the United States under the authority of P.L. 104-208, section 501.

(2)(a) The department shall accept the following documents as acceptable proof of eligibility under this subsection:

- (i) A United States passport or passport card;

- (ii) An enhanced driver's license or state identification card;

- (iii) A certificate of naturalization;

- (iv) A certificate of citizenship;

- (v) A tribal membership card with a photograph;

- (vi) An official state or county issued birth certificate;

- (vii) A certification of birth issued by the federal department of state;

- (viii) A department of health printout for Washington state birth;

- (ix) A United States citizen identification card; or

- (x) A final adoption decree in the United States.

(b) No state resources shall be used for investigating the eligibility of an applicant who has not submitted satisfactory documentation. No state resources shall be used to purchase satisfactory documentation for an applicant. The department may provide applicants with a list of community resources that help applicants locate and obtain satisfactory documentation.

(3) For the purposes of this section, "qualified alien" has the same meaning as provided in the federal personal responsibility and work opportunity reconciliation act of 1996 (P.L. 104-193)."

Renumber the remaining section consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Green requested a scope and object ruling on amendment (509) to the committee amendment to Substitute Senate Bill No. 5023.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The bill relates to the provision of legal services and advice in immigration matters. The amendment relates to other types of services and is clearly outside the scope and object of the bill, the point of order is well taken."

With the consent of the house, amendment (510) was withdrawn.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen, Rodne and Goodman spoke in favor of the passage of the bill.

Representatives Shea, Armstrong, Chandler, Short, Walsh, Klippert and Ross spoke against the passage of the bill.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 5023, and the bill held its place on the third reading calendar.

SUBSTITUTE SENATE BILL NO. 5168, by Senate Committee on Judiciary (originally sponsored by Senators Prentice, Kline, Regala, Chase and Kohl-Welles)

Reducing maximum sentences for gross misdemeanors by one day.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5168.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5168, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Nealey and Overstreet.

Excused: Representatives Lytton and Warnick.

SUBSTITUTE SENATE BILL NO. 5168, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5172, by Senators Brown, Harper, Baumgartner, Kohl-Welles, Keiser, McAuliffe and Kline

Authorizing the use of short-term, on-site child care for the children of facility employees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5172.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5172, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox and Zeiger.

Excused: Representatives Lytton and Warnick.

SENATE BILL NO. 5172, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5662, by Senate Committee on Ways & Means (originally sponsored by Senators Conway, Chase, Kline, Shin, Keiser, Kohl-Welles, White, Roach, Hobbs, Nelson, Prentice, Haugen and Fraser)

Establishing a preference for resident contractors on public works. Revised for 2nd Substitute: Concerning preferences for in-state contractors bidding on public works.

The bill was read the second time.

Representative Dunshee moved the adoption of amendment (531).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

(1) The department of general administration must conduct a survey to determine which states provide a preference for its resident contractors bidding on public works projects, and provide details on the type of preference, the amount of the preference, and how the preference is applied. The survey must be completed by November 1, 2011, and by December 1, 2011, the department must submit a report to the appropriate committees of the legislature on the results of the survey. The report must also include recommendations necessary to implement the intent of this section and section 2 of this act.

(2) The department of general administration must distribute the results of the survey, along with the requirements of this section and section 2 of this act, to all state and local agencies with the authority to procure public works. The department may adopt rules and procedures to implement the reciprocity requirements in subsection (3) of this section or may determine that such rules and procedures are not necessary to implement the intent of this section and section 2 of this act.

(3) In any bidding process for public works in which a bid is received from a nonresident contractor from a state that provides a percentage bidding preference, a comparable percentage disadvantage must be applied to the bid of that nonresident contractor. This subsection does not take effect until the department of general administration has adopted the rules and procedures for reciprocity under subsection (2) of this section.

(4) A nonresident contractor from a state that provides a percentage bid preference means a contractor that:

(a) Is from a state with a percentage bid preference; and

(b) At the time of bidding on a public works project, does not have a physical office located in Washington.

(5) The state of residence for a nonresident contractor shall be the state in which the contractor was incorporated or, if not a corporation, the state where the contractor's business entity was formed.

(6) This section does not apply to public works procured pursuant to RCW 39.04.155 or 39.04.280, or any other procurement where competitive bidding is exempt.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Representatives Dunshee and Taylor spoke in favor of the adoption of the amendment.

Amendment (531) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dunshee and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5662, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5662, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Crouse, Hinkle, Overstreet, Parker, Rivers and Shea.

Excused: Representatives Lytton and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 5662, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5463, by Senators Kilmer, Becker, Kastama, Shin, Tom and White

Requiring the college board to establish minimum standards for common student identifiers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Probst and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5463.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5463, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Lytton and Warnick.

SENATE BILL NO. 5463, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5525, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer and Carrell)

Addressing hospital benefit zones that have already formed. Revised for 1st Substitute: Concerning hospital benefit zones that have already formed.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For Committee amendment, see Journal, Day 81, March 31, 2011).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Seaquist and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5525, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5525, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Lytton and Warnick.

SUBSTITUTE SENATE BILL NO. 5525, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5633, by Senators Pridemore, Hewitt, Kastama and Swecker

Exempting agricultural fair premiums from the unclaimed property act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5633.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5633, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Lytton and Warnick.

SENATE BILL NO. 5633, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5791, by Senate Committee on Transportation (originally sponsored by Senators Hobbs, Fain, King, Haugen and White)

Allowing certain commercial activity at certain park and ride lots.

The bill was read the second time.

Representative Rivers moved the adoption of amendment (538).

On page 1, line 6, after "(1)" strike "The" and insert "(a) Except as provided in (b) of this subsection, the"

On page 1, after line 11, insert the following:

"(b) The department, or any local transit agency that has received state funding for a park and ride lot, may not enter into a lease with a private entity allowing for the operation of a dry cleaning facility."

Representatives Rivers, Rivers (again), Shea and Armstrong spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (538) was not adopted.

Representative Walsh moved the adoption of amendment (542).

On page 1, line 6, after "(1)" strike "The" and insert "(a) Except as provided in (b) of this subsection, the"

On page 1, after line 11, insert the following:

"(b) The department, or any local transit agency that has received state funding for a park and ride lot, may not enter into a lease with a private entity allowing for the operation of a day care facility."

Representatives Walsh, Johnson and Pearson spoke in favor of the adoption of the amendment.

Representative Billig spoke against the adoption of the amendment.

Amendment (542) was not adopted.

Representative Armstrong moved the adoption of amendment (536).

On page 1, line 6, after "(1)" strike "The" and insert "(a) Except as provided in (b) of this subsection, the"

On page 1, after line 11, insert the following:

"(b) The department, or any local transit agency that has received state funding for a park and ride lot, may not enter into a lease with a retailer of motor vehicle fuels if there are any retailers of motor vehicle fuels within ten miles of the park and ride lot."

Representatives Armstrong and Klippert spoke in favor of the adoption of the amendment.

Representatives Clibborn and Morris spoke against the adoption of the amendment.

Amendment (536) was not adopted.

Representative Klippert moved the adoption of amendment (539).

On page 1, line 17, after "harm." insert "Any lease entered into under this section must require the private entity to hire adequate security personnel to ensure the safety of customers and park and ride lot patrons."

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

Amendment (539) was not adopted.

Representative Hargrove moved the adoption of amendment (540).

On page 1, line 17, after "harm." insert "Any lease entered into under this section must ensure that the lease payments are at fair market value and comparable to market rates in the area of the park and ride lot."

Representatives Hargrove and Clibborn spoke in favor of the adoption of the amendment.

Amendment (540) was adopted.

Representative Rodne moved the adoption of amendment (541).

On page 1, beginning on line 19, after "deposited" strike all material through "or" on page 2, line 2

On page 2, line 3, after "46.68.070" strike "if the lot is owned by the department"

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (541) was not adopted.

Representative Liias moved the adoption of amendment (537).

On page 2, beginning on line 1, after "47.66.070" strike all material through "department" on line 3

Representative Liias spoke in favor of the adoption of the amendment.

Representative Armstrong spoke against the adoption of the amendment.

Amendment (537) was adopted.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Liias spoke in favor of the passage of the bill.

Representatives Armstrong, Taylor, Hinkle and Dammeier spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5791, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5791, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Asay, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Ladenburg, Liias, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Johnson, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Wilcox and Zeiger.

Excused: Representatives Lytton and Warnick.

SUBSTITUTE SENATE BILL NO. 5791, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5386, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Pridemore)

Creating an organ donation work group.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5386.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5386, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby,

Klippert, Kretz, Kristiansen, Ladenburg, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Lytton and Warnick.

Absent: Representative Taylor.

SUBSTITUTE SENATE BILL NO. 5386, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5386.
Representative Taylor, 15th District

SECOND READING

SENATE BILL NO. 5033, by Senators Pridemore, Swecker, Chase and Nelson

Concerning the sale of water-sewer district real property.

The bill was read the second time.

Representative Kretz moved the adoption of amendment (543)

POINT OF ORDER

Representative Green requested a scope and object ruling on amendment (543) to Senate Bill No. 5033.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The bill relates to water-sewer districts. The amendment relates to the growth management act and is clearly outside the scope and object of the bill. The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5033.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5033, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby,

Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representatives Lytton and Warnick.

SENATE BILL NO. 5033, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5034, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Kilmer, Kastama, Shin, Hatfield, Zarelli, Conway and Hewitt)

Concerning private infrastructure development.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment was adopted. (For Committee amendment, see Journal, Day 65, March 15, 2011).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Upthegrove and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5034, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5034, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Lytton and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 5034, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1741
HOUSE BILL NO. 2017
SUBSTITUTE SENATE BILL NO. 5018
SENATE BILL NO. 5035
SENATE BILL NO. 5045
SUBSTITUTE SENATE BILL NO. 5070
SENATE BILL NO. 5076
SUBSTITUTE SENATE BILL NO. 5300
SUBSTITUTE SENATE BILL NO. 5343
SUBSTITUTE SENATE BILL NO. 5359
SUBSTITUTE SENATE BILL NO. 5374
SENATE BILL NO. 5395
SUBSTITUTE SENATE BILL NO. 5423
SECOND SUBSTITUTE SENATE BILL NO. 5427
ENGROSSED SUBSTITUTE SENATE BILL NO. 5457

SENATE BILL NO. 5526
SENATE BILL NO. 5628
ENGROSSED SUBSTITUTE SENATE BILL NO. 5748

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 6, 2011, the 87th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

1016		
	Messages	1
1028		
	Messages	1
1048-S		
	Messages	1
1055-S		
	Messages	1
1069		
	Messages	1
1105-S		
	Messages	1
1129		
	Messages	1
1150		
	Messages	1
1206-S2		
	Messages	1
1215		
	Messages	1
1247-S		
	Messages	1
1263		
	Messages	1
1294-S		
	Messages	1
1298		
	Messages	1
1303		
	Messages	1
1312		
	Second Reading	5
1312-S		
	Second Reading	5
	Third Reading Final Passage	6
1345		
	Messages	1
1347		
	Messages	1
1357		
	Messages	1
1391		
	Messages	1
1412		
	Messages	1
1424		
	Messages	1
1488		
	Messages	1
1495-S		
	Final Passage	5
	Other Action	5
	Messages	2
1571-S		
	Messages	1
1572-S		
	Messages	2
1618		
	Messages	2
1632		
	Second Reading	17
1632-S		
	Second Reading	17
	Third Reading Final Passage	18
1649		
	Messages	2

1694		
	Messages	2
1709		
	Messages	1
1741		
	Other Action	25
1803-S2		
	Messages	1
1808-S2		
	Messages	1
1937		
	Messages	1
2017		
	Other Action	25
2019		
	Second Reading	18
	Third Reading Final Passage	18
2049		
	Introduction & 1st Reading	2
2050		
	Introduction & 1st Reading	2
2051		
	Introduction & 1st Reading	2
5000-S2		
	Second Reading	15
	Amendment Offered	15
	Third Reading Final Passage	15, 18
	Other Action	18
5011		
	Second Reading	15
	Third Reading Final Passage	16
5018-S		
	Other Action	25
5020-S		
	Second Reading	7
	Third Reading Final Passage	7
5023-S		
	Second Reading	18
	Amendment Offered	18
	Other Action	20
5033		
	Second Reading	24
	Third Reading Final Passage	25
5034-S2		
	Second Reading	25
	Third Reading Final Passage	25
5035		
	Other Action	25
5045		
	Other Action	25
5058		
	Messages	1
5061		
	Second Reading	7
	Third Reading Final Passage	8
5068-S		
	Second Reading	8
	Third Reading Final Passage	9
5070-S		
	Other Action	25
5071-S		
	Messages	1
5076		
	Other Action	25
5105-S		
	Second Reading	9

Third Reading Final Passage	9
5115-S	
Messages	1
5116	
Messages	1
5117	
Second Reading	9
Third Reading Final Passage	10
5149	
Messages	1
5168-S	
Second Reading	20
Third Reading Final Passage	20
5170	
Messages	1
5172	
Second Reading	20
Third Reading Final Passage	21
5213	
Messages	1
5224	
Messages	1
5242	
Messages	1
5295	
Messages	1
5300-S	
Other Action	25
5307-S	
Messages	1
5343-S	
Other Action	25
5359-S	
Other Action	25
5374-S	
Other Action	25
5375	
Messages	1
5386-S	
Second Reading	24
Third Reading Final Passage	24
5388	
Messages	1
5392-S	
Second Reading	10
Third Reading Final Passage	10
5395	
Other Action	25
5423-S	
Other Action	25
5427-S2	
Other Action	25
5451-S	
Second Reading	6
Amendment Offered	6
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